

REMARKS/ARGUMENTS

Claims 37–40 are currently pending in this application. Claims 1–36 have been canceled.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 39 contains allowable subject matter.

Claim Rejections – 35 USC §103(a)

Claims 37, 38, and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0207687 to Svedevall et al. (hereinafter “Svedevall”) in view of U.S. Patent No. 7,116,651 to Hakkinen et al. (hereinafter “Hakkinen”).

Svedevall relates to a method and a radio network controller (RNC) for reporting management information events for drifting UEs and non-drifting UEs, without requiring additional control signaling (paragraphs 0046 and 0055). Various management information (e.g., statistics) is collected for non-drifting UEs. This management information is used to estimate similar information for drifting UEs, based on a determined number of drifting UEs (paragraphs 0016 and 0017). Svedevall discloses a number of different types of management information that can

be monitored using counters (see paragraph 0043), but does not recite counting a total number of HS-SICH transmissions, a number of failed HS-SICH transmissions, and a number of missed HS-SICH transmissions, as recited in claims 37, 38, and 40.

Furthermore, Svedevall does not contain any hint or suggestion of using any of the statistics gathered to determine channel quality (as in claims 37 and 38) or to derive a power control command (as in claim 40).

Hakkinen relates to a method for a UE to signal a Node B when the UE is in discontinuous transmission (DTX) mode (column 3, lines 37–40 and column 5, lines 16–26). Hakkinen does not address the deficiencies of Svedevall. Because neither of the cited references teach or suggest all of the elements of claims 37, 38, and 40, these claims are patentably distinguishable over the cited references.

Conclusion

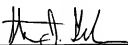
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Rudolf et al.
Application No.: 10/726,374

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 37-40, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Rudolf et al.

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